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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,547	06/26/2001	Kazuhiro Sugawara	35.C15492	9436
5514	7590	10/03/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, QUANG N	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,547

Applicant(s)

SUGAWARA ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060913</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/13/2006 has been entered.

Claims 1-43 have been cancelled. Claims 44-73 have been added as new claims. Claims 44-73 remain for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 09/13/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

3. Claim 57 is objected to because of the following informalities:

In claim 57, the recited limitation "said discriminating unit" lacks of antecedent basis for this limitation in this claim (claim 57 is suggested to depend on claim 56 instead of claim 54). Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 54-58, 60-61, 66-67 and 72-73 are rejected under 35 U.S.C. 102(e) as being anticipated by Wakasugi et al. (US 6,823,367), hereinafter “Wakasugi”.**

6. As to claim 54, **Wakasugi** teaches an image communicating apparatus (*NFA*) for sending and receiving image information through a communication network, comprising:

an email unit, adapted to send and receive email via an email server (*MSA*) connected to the communication network (**Wakasugi, Fig. 1 and col. 6, lines 60-65**);

a memory unit (*communication management table 4a stored in RAM 4*), adapted to store communication management information of the email (**Wakasugi, Fig. 8 and col. 8, lines 37-41**);

a communication management information forming unit, adapted to, each time the email is sent by said email unit, form communication management information of the sent email and store the communication management information into said memory unit (**Wakasugi, Fig. 8 and col. 8, lines 37-67**);

a judgment unit, adapted to make a judgment as to whether or not the sending of the email succeeded, based on a delivery status notification of the sent email from the email server (**Wakasugi, col. 9, lines 46-60**);

an updating unit, adapted to update information showing a transmission result of the sent email included in the communication management information of the sent email based on a judgment result by said judgment unit (**Wakasugi, col. 9, lines 55-60**); and

a communication management report unit, adapted to output a communication management report indicative of the communication management information stored in said memory unit, so that a user of said image communicating apparatus can confirm whether or not transmission of the sent email succeeded, without reading the delivery status information (**Wakasugi, Fig. 12 and col. 9, line 65 – col. 10, line 3**).

7. As to claim 55, **Wakasugi** teaches the apparatus of claim 54, wherein the delivery status notification for the sent email from said email server is a notification showing one of a failed notification, a delayed notification, a normal end of transmission notification, and a relayed notification as a transmission result of the sent email (*Wakasugi teaches Delivery Status Notification "DSN" is a method of confirming a mail delivery at a SMTP command level, referred to as RFC 1891 and RFC 1894 which describe a DSN confirmation request message can generate four types of responses "Relayed", "Success", "Failure" and "Delayed"*) (**Wakasugi, col. 1, line 63 – col. 2, line 2 and RFC 1891 and RFC 1894 incorporated herein by reference in its entirety**).

8. As to claim 56, **Wakasugi** teaches the apparatus of claim 54, further comprising a discriminating unit, adapted to discriminate whether or not the delivery status notification for the sent email from said email server has been received by said email unit after the elapse of a predetermined period of time from the transmission of the email (**Wakasugi, col. 14, lines 48-52**),

wherein if it is determined by said discriminating unit that the delivery status notification for the sent email from said email server has been received, said updating unit updates the transmission result of the communication management information of the email which has received the delivery status notification in accordance with the received delivery status notification (**Wakasugi, col. 14, lines 54-60**), and

said communication management report output unit outputs a communication management report in which the transmission result was updated as a communication management report of the sent email (**Wakasugi, col. 13, line 66 – col. 14, line 3**).

9. As to claim 57, **Wakasugi** teaches the apparatus of claim 54, wherein if it is determined by said discriminating unit that the delivery status notification for the sent email from said email server is not received (**Wakasugi, col. 14, line 61 – col. 15, line 3**), said communication management report output unit outputs a communication management report in which the transmission result of the sent email has successfully been finished (*the communication management information has “ -- ” in the “result” field since the NFA sent the mail and has not received the delivery confirmation from the NFB yet*) (**Wakasugi, col. 9, lines 1-5**).

10. As to claim 58, **Wakasugi** teaches an image communicating apparatus (*NFA*) for sending and receiving image information through a communication network, comprising:

an email unit, adapted to send and receive email via an email server (*MSA*) connected to the communication network (**Wakasugi, Fig. 1 and col. 6, lines 60-65**);

an analyzing unit, adapted to, when a delivery status notification returned from the email server in response to the email transmitted to a recipient by said email unit is received, analyze contents of the received delivery status notification, and decide whether or not the sent email was received by the recipient (**Wakasugi, col. 9, lines 46-60**); and

a notifying unit, adapted to notify a user of said image communicating apparatus that the sent email was not received, in response to a result of an analysis of the received delivery status notification by said analyzing unit indicating that the sent email was not received (**Wakasugi, col. 10, lines 24-40**).

11. As to claims 60-61, **Wakasugi** teaches the apparatus of claim 58, wherein said notifying unit further comprises a unit adapted to print or display error notification information (*the communication management report is created and outputted based on the recorded contents of the communication management table 4a showing the result field is changed from “ -- ” to “ERR” indicating that the mail was not delivered to the NFB correctly*) (**Wakasugi, Fig. 17 and col. 10, lines 35-40**).

12. Claims 66-67 recite corresponding method claims that contain substantially the same limitations as apparatus claims 54 and 58; therefore, they are rejected under the same rationale.

13. Claims 72-73 recite corresponding storage medium claims that contain substantially the same limitations as apparatus claims 54 and 58; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 44, 49, 62-63 and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwazaki (US 6,687,742), in view of Ohta (US 6,396,848).

16. As to claim 44, **Iwazaki** teaches an image communicating apparatus, comprising:
a transmitting unit, adapted to send email data accompanied by an image file
(Internet facsimiles 3 and 8 have both units functioning in transmission/reception emails with attached image) (**Iwazaki, col. 4, line 56 – col. 5, line 4**);

a receiving unit, adapted to receive email data (*Internet facsimiles 3 and 8 have both units functioning in transmission/reception email with attached image*) (Iwazaki, col. 4, line 56 – col. 5, line 4);

a requesting unit, adapted to add, selectively, information for requesting a message disposition notification “MDN” to the email data to be sent to a receiver by said transmitting unit (*a request for an MDN message is made by adding a "Disposition Notification-To:" field to the header of an email to be transmitted to a receiver*) (Iwazaki, col. 6, lines 39-48);

a communication managing unit, adapted to manage transmission management information of the sent email data (*the processing result from the MDN response message is recorded in transmission history information*) (Iwazaki, col. 7, lines 61-64); and

a judgment unit, adapted to make a judgment as to whether or not transmission of the sent email data to which the information for requesting the message disposition notification was added succeeded, on the basis of the message disposition notification included in the email data received by said receiving unit (*in step S36 of Fig. 10, the receiver describes the processing result in an MDN message and transmits the message to the sender which records the processing result, i.e., succeeded or not, in the returned MDN message in the transmission history information*) (Iwazaki, Fig. 10, col. 6, line 62 – col. 7, line 12 and col. 13, lines 45-55); and

a notifying unit, adapted to send a notification to a user of said image communication apparatus, based on the transmission management information managed by said communication managing unit (*when the receiver recognizes or is*

notified those identification/control information "X-flag: capability request" by the email analyzing section 26, the email generator 25 generates an MDN message and returns the MDN message to the sender) (Iwazaki, col. 7, lines 28-43),

wherein said communication managing unit updates the transmission management information by information showing whether or not the transmission of the sent email data succeeded, on the basis of a judged result provided by said judgment unit (the sender records the processing result in the returned MDN message in the transmission history information) (Iwazaki, col. 7, lines 61-64 and col. 13, lines 45-55).

However, Iwazaki does not explicitly teach wherein said notifying unit notifies the user of said image communicating apparatus whether or not the transmission of the sent email data succeeded, on the basis of the updated transmission management information, so that the user of said image communicating apparatus can confirm whether or not the transmission of the sent email data succeeded, without reading the message disposition information.

In an analogous art, Ohta discloses a system and method of allowing user to browse the history of relay transmission on data terminal, wherein a communication history report 42 (*i.e., the transmission history information*), a record of the information transfer operations performed by the network facsimile apparatus 2, is generated to notify the user of the network facsimile apparatus 2 the result of the communications transmission as illustrated in Fig. 9, with an "OK" mark for a normal completion or a "NG" mark for an abnormal completion (*i.e., so that the user can confirm whether or not*

the transmission of the sent email data succeeded, without reading the message disposition information) (Ohta, Fig. 9, col. 14, lines 47-52).

Therefore, it would have been obvious to one having ordinary skill in the Data Processing Art at the time the invention was made to incorporate the feature of notifying the user of said image communicating apparatus so that the user can confirm whether or not the transmission of the sent email data succeeded, without reading the message disposition information, as disclosed by **Ohta**, into the teaching of **Iwazaki**, since both references are directed to electronic message processing systems, hence, would be considered to be analogous based on their related fields of endeavor. One would be motivated to do so to allow the communications system to inform the sending user the status of the delivery of the message.

17. As to claim 49, **Iwazaki** teaches an image communicating apparatus, comprising:
a transmitting unit, adapted to send email data accompanied by an image file
(Internet facsimiles 3 and 8 have both units functioning in transmission/reception emails with attached image) (Iwazaki, col. 4, line 56 – col. 5, line 4);

a receiving unit, adapted to receive email data *(Internet facsimiles 3 and 8 have both units functioning in transmission/reception emails with attached image) (Iwazaki, col. 4, line 56 – col. 5, line 4);*

a requesting unit, adapted to add, selectively, information for requesting a message disposition notification "MDN" to the email data to be sent to a receiver by said transmitting unit *(a request for an MDN message is made by adding a "Disposition*

Notification-To:" field to the header of an email to be transmitted to a receiver) (**Iwazaki, col. 6, lines 39-48**);

a judgment unit, adapted to make a judgment as to whether or not transmission of the sent email data to which the information for requesting the message disposition notification was added succeeded, on the basis of the message disposition notification included in the email data received by said receiving unit (*in step S36 of Fig. 10, the receiver describes the processing result in an MDN message and transmits the message to the sender which records the processing result, i.e., succeeded or not, in the returned MDN message in the transmission history information*) (**Iwazaki, Fig. 10, col. 6, line 62 – col. 7, line12 and col. 13, lines 45-55**).

However, **Iwazaki** does not explicitly teach a notifying unit, adapted to be able to notify whether or not the transmission of the sent email data succeeded based on a judged result by said judgment unit, without reading the message disposition notification by a user of said image communicating apparatus.

In an analogous art, **Ohta** discloses a system and method of allowing user to browse the history of relay transmission on data terminal, wherein a communication history report 42 (*i.e., the transmission history information*), a record of the information transfer operations performed by the network facsimile apparatus 2, is generated to notify the user of the network facsimile apparatus 2 the result of the communications transmission as illustrated in Fig. 9, with an "OK" mark for a normal completion or a "NG" mark for an abnormal completion (*i.e., so that the user can confirm whether or not the transmission of the sent email data succeeded, without reading the message disposition information*) (**Ohta, Fig. 9, col. 14, lines 47-52**).

Therefore, it would have been obvious to one having ordinary skill in the Data Processing Art at the time the invention was made to incorporate the feature of notifying the user of said image communicating apparatus so that the user can confirm whether or not the transmission of the sent email data succeeded, without reading the message disposition information, as disclosed by **Ohta**, into the teaching of **Iwazaki**, since both references are directed to electronic message processing systems, hence, would be considered to be analogous based on their related fields of endeavor. One would be motivated to do so to allow the communications system to inform the sending user the status of the delivery of the message.

18. Claims 62-63 recite corresponding method claims that contain substantially the same limitations as apparatus claims 44 and 49; therefore, they are rejected under the same rationale.

19. Claims 68-69 recite corresponding storage medium claims that contain substantially the same limitations as apparatus claims 44 and 49; therefore, they are rejected under the same rationale.

20. **Claims 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwazaki, in view of Ohta, and further in view of Miyamoto et al. (US 6,327,046), hereinafter "Miyamoto".**

21. As to claim 45, **Iwazaki-Ohta** teaches the apparatus of claim 44, but does not explicitly teach a selecting unit, adapted to select ON/OFF of an execution of said requesting unit, wherein said communication managing unit manages ON/OFF of the request of the message disposition notification as transmission information for every sent email.

In an analogous art, **Miyamoto** teaches an electronic mail processing apparatus and method comprising a selecting part for selecting whether a request for reply to an electronic mail to be transmitted is to be made or not by marking the check box 19 in Fig. 5 to turn ON a reply email request (Miyamoto, Fig. 5 and col. 6, lines 16-32). **Miyamoto** also teaches that if a reply from the receiver of the email has been sent, the task finish flag 11-4-5 in the Todo task list storage section 11-4 of the RAM 11 is set to be "1" (*i.e., update the transmission information on the basis of whether or not said requesting unit requests the reply email responsive to the sent email*) (**Miyamoto, col. 6, line 62 – col. 7, line 18**).

Therefore, it would have been obvious to one having ordinary skill in the Data Processing Art at the time the invention was made to incorporate the feature of a selecting unit, adapted to select and manage ON/OFF of the request of the message disposition notification as transmission information for every sent email, as disclosed by **Miyamoto**, into the teachings of **Iwazaki-Ohta**, since references are directed to electronic message processing systems, hence, would be considered to be analogous based on their related fields of endeavor. One would be motivated to do so to allow the sender to select whether a request for reply to an email from the receiver to be made or not at the time of transmitting the email and to specify a due date of reply and to

retransmit the same email automatically when no reply has been received within a predetermined period of time.

22. As to claim 46, **Iwazaki-Ohta-Miyamoto** teaches the apparatus of claim 44, wherein said communication unit updates the transmission information to first information showing that the message disposition notification responsive to said sent email data has been received (*i.e., the task finish flag 11-4-5 is set to "1", the item is displayed as a processed task with a check mark*) (**Miyamoto, Figs. 7-8, col. 7, lines 6-18 and col. 8, lines 19-32**). The same motivations regarding the obviousness of claim 45 would be applied equally well to claim 46.

23. As to claim 47, **Iwazaki-Ohta-Miyamoto** teaches the apparatus of claim 44, wherein said communication unit updates the transmission information to second information showing that the message disposition notification responsive to the sent email data was not received within a predetermined period of time (*i.e., the task finish flag is set to "0", the item is displayed as an unprocessed task*) (**Miyamoto, Figs. 7-8 and col. 7, lines 6-21**). The same motivations regarding the obviousness of claim 45 would be applied equally well to claim 47.

24. As to claim 48, **Iwazaki-Ohta-Miyamoto** teaches the apparatus of claim 44, wherein said notifying unit visually outputs the transmission management information, which is managed by said communication managing unit (**Ohta, Fig. 9, col. 14, lines 47-52**).

25. Claims 50-53, 64-65 and 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwazaki (US 6,687,742), in view of Haneda et al. (EP 0 965 935 A2), hereinafter "Haneda".

26. As to claim 50, Iwazaki teaches an image communicating apparatus, comprising:
an email receiving unit, adapted to receive email (*Internet facsimiles 3 and 8 have both units functioning in transmission/reception emails with attached image*) (**Iwazaki, col. 4, line 56 – col. 5, line 14**);

a detecting unit, adapted to detect control information which requests reply email from the email received by said email receiving unit (*the email analyzing section 26 checks the user defined field such as "MDN" in the header of the received email message for control information requesting reply email*) (**Iwazaki, col. 7, lines 28-43**);

an output unit, adapted to visually output the email received by said email receiving unit (*Internet facsimiles have means for processing such as displaying or printing emails with attached image*) (**Iwazaki, col. 10, lines 46-61**).

However, **Iwazaki** does not explicitly teach a notifying unit, adapted to notify a user of said image communicating apparatus that the email having the control information was received, based on the detection of the control information from the email by said detecting unit before contents of the email which the control is detected are visually outputted.

In an analogous art, **Haneda** discloses an electronic mail processing system and method that allow easy management of email that needs to be answered (*i.e., reply*

demanded), wherein a list of received email messages demanding a reply is displayed to the receiver with the "reply demanded" check box "marked" or "unmarked" (*i.e., notifying a user that the email having the control information was received*) (**Haneda, Figs. 8A-B and paragraphs [0072-0073]**).

Therefore, it would have been obvious to one having ordinary skill in the Data Processing Art at the time the invention was made to incorporate the feature of notifying a user of said image communicating apparatus that the email data having the control information was received, based on the detection of the control information from the email by said detecting unit before contents of the email which the control is detected are visually outputted, as disclosed by **Haneda**, into the teaching of **Iwazaki**, since both references are directed to electronic message processing systems, hence, would be considered to be analogous based on their related fields of endeavor. One would be motivated to do so to allow the communications system to inform the receiving user the status of the received email messages (*i.e., reply demanded or not*).

27. As to claim 51, **Iwazaki-Haneda** teaches the apparatus of claim 50, wherein the control information is information for requesting reply email indicative of a message disposition notification "MDN" of the email (*a request for an MDN message is made by adding a "Disposition Notification-To:" field to the header of an email to be transmitted to a receiver*) (**Iwazaki, col. 6, lines 39-48**).

28. As to claim 52, **Iwazaki-Haneda** teaches an image communicating apparatus, comprising:

an email receiving unit, adapted to receive email accompanied by an image file (*Internet facsimiles 3 and 8 have both units functioning in transmission/reception emails with attached image*) (**Iwazaki, col. 4, line 56 – col. 5, line 14**);

a detecting unit, adapted to detect control information which requests reply email from the email received by said email receiving unit (*email analyzing section 26 checks the user defined field such as “MDN” in the header of the received email message for control information requesting reply email*) (**Iwazaki, col. 7, lines 28-43**); and

an output unit, adapted to visually output contents of the image file attached to the received email (*Internet facsimiles have means for processing such as displaying or printing emails with attached image*) (**Iwazaki, col. 10, lines 46-61**),

wherein said output unit adds information indicative of the detection of the control information to a part of the image, and visually outputs the acquired image to the contents of the image file attached to the email of which the control information was detected (*Haneda teaches the contents of a received email are displayed in Fig. 8B, including a “reply demanded” indication area 34 for indicating whether a reply is demanded or not*) (**Haneda, Fig. 8B and paragraphs [0075-0076]**).

29. As to claim 53, **Iwazaki-Haneda** teaches the apparatus of claim 52, wherein when the image file attached to the email of which the control information was detected is visually outputted, if the reply email responsive to the control information has already been sent, said notifying unit adds information indicative of a completion of a response to the control information to a part of said image (**Haneda, Fig. 9 and paragraphs [0083-0084]**).

30. Claims 64-65 recite corresponding method claims that contain substantially the same limitations as apparatus claims 50 and 52; therefore, they are rejected under the same rationale.

31. Claims 70-71 recite corresponding storage medium claims that contain substantially the same limitations as apparatus claims 50 and 52; therefore, they are rejected under the same rationale.

32. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakasugi, in view of Matsueda et al. (US 6,301,016), hereinafter "Matsueda".

33. As to claim 59, **Wakasugi** teaches the apparatus of claim 58, but does not explicitly teach said notifying unit further comprises a unit adapted to generate a warning sound as error notification information.

In an analogous art, **Matsueda** teaches a data processing apparatus, such as a facsimile apparatus that transmits and/or receives data to and from another apparatus, comprising a loud speaker for generating a sound warning of the occurrence of an error or failure (**Matsueda, col. 18, lines 23-25**).

Therefore, it would have been obvious to one having ordinary skill in the Data Processing Art at the time the invention was made to incorporate the feature of a unit adapted to generate a warning sound as error notification information, as disclosed by

Matsueda, into the teaching of **Wakasugi**, since both references are directed to electronic message processing systems, hence, would be considered to be analogous based on their related fields of endeavor. One would be motivated to do so to warn the user about the error, to give the user the information of the error occurrence, thereby allowing the user to take proper action for the error (**Matsueda, col. 19, lines 8-29**).

Conclusion

34. Applicant's arguments as well as request for reconsideration filed on 09/13/2006 have been fully considered but they are moot in view of the new ground(s) of rejection.

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Toyoda (US 6,094,277) discloses Internet Facsimile apparatus and email communication method, wherein identification data are created from the received email and reply mail including the identification data is notified to the sender of the received mail.
- Nielsen (US 6,108,688) discloses a system and method for reminding a sender of an email if recipient of the email does not respond by a selected time set by the sender.

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36. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Quang N. Nguyen', with a stylized flourish at the end.

Quang N. Nguyen
Patent Examiner
AU – 2141